

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 18-mj-30040

v.

BRANDON GRIESEMER,

Defendant.

/

**STIPULATION SEEKING CONTINUANCE AND FINDING OF
EXCLUDABLE DELAY**

Through their respective counsel, the parties stipulate and agree to the continuance of the preliminary exam to April 19, 2019;

The parties stipulate, and jointly move for the court to find, that the time period from February 19, 2019 to April 19, 2019 qualifies as excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), because the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and the defendant in a speedy trial. The parties' reasons for the continuance and for a finding of excludable delay are as follows:

- Following a significant period in which the defense was gathering mitigation materials to provide to the government, the government is now internally exploring the possibility of recommending Griesemer for the

district's Restart Program. The government needs a short additional time period within which to seek internal approval of that decision, and to proceed forward if approved.

The parties therefore request that the Court find that the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

The parties also stipulate and agree that this stipulation and any order resulting therefrom shall not affect any previous order of pretrial detention or pretrial release.

IT IS SO STIPULATED.

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Dated: February 15, 2019

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ORDER FINDING EXCLUDABLE DELAY

The Court has considered the parties' stipulation and joint motion to continue and for a finding that the time period from February 19, 2019 to April 19, 2019 qualifies as excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7). For the reasons described in the parties' submission, and after considering the factors listed in § 3161(h)(7)(B), the Court finds that the ends of justice served by granting the parties' requested continuance outweigh the best interests of the public and the defendant in a speedy trial and that the time from February 19, 2019 to April 19, 2019 qualifies as excludable delay under § 3161(h)(7). Specifically, the Court finds that:

- Following a significant period in which the defense was gathering mitigation materials to provide to the government, the government is now

internally exploring the possibility of recommending Griesemer for the district's Restart Program. The government needs a short additional time period within which to seek internal approval of that decision, and to proceed forward if approved.

IT IS THEREFORE ORDERED that the time from February 19, 2019 to April 19, 2019 shall constitute excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), because the Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS FURTHER ORDERED that the preliminary exam in this case will be continued and that the following deadlines will apply to these proceedings:

- **Preliminary Exam:**

IT IS SO ORDERED.

Dated: February 19, 2019

s/Anthony P. Patti
ANTHONY P. PATTI
United States Magistrate Judge